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DEC 22 2005

OFFICE OF PETITIONS

In re Application of :
Asamura, et al. : DECISION ON PETITION
Application No. 10/698,003 :
Filed: October 30, 2003 :
Docket No.: WAKA 20.720 :
(100957-00081) :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 4, 2005, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned July 20, 2005 for failure to timely reply to the non-final Office action mailed April 19, 2005. The Notice set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed October 24, 2005.


A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Therefore, no extension of time fee is due in connection with this petition. The extension of time

fee submitted herewith is thus unnecessary. Petitioner may request a refund of the \$1,020.00 extension of time fee submitted herewith by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown', written in dark ink.

Alesia M. Brown
Petitions Attorney
Office of Petitions